Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 13, 14, 17-22, 35-39, 64, and 67-80 are pending in the application, with claims 1, 64, and 67 being the independent claims. Claims 1, 35, 64, 67, and 76 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Personal Interview

Applicants would like to thank Examiner Winder for the personal interview held on March 17, 2011, with George Winfield Treese (inventor), and Applicants' Representatives Michael B. Ray and Salvador M. Bezos.

During the interview, the parties discussed solutions for the rejection under 35 U.S.C. § 112, first paragraph, regarding charging for advertising. The Examiner suggested amending the claims to "determining the amount to charge."

The parties also discussed technical distinctions to overcome the rejection under 35 U.S.C. § 103(a) over the cited reference. The Inventor explained the differences between information based on a "session identifier" (as present in the claims) and information based on a user identifier. The Examiner requested that Applicants present the technical distinctions in a reply, and that they would be favorably considered.

The Examiner is invited to contact the undersigned should any further amendment or reply be necessary to place the application in condition for allowance.

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LEVERGOOD *et al.*
Appl. No. 09/548,235

Reply to Office Action of October 28, 2010

Support for Claim Amendments

Applicants seek to amend claims 1, 35, 64, 67, and 76. The amendments to claims 35 and 76 are made to correct a minor error and to clarify the claim language. To facilitate the Examiner's review of amended claims 1, 64 and 67, cites are provided to the Specification demonstrating support for the amendments. However, support for these amendments, as well as any other claim feature, is not limited by the disclosure in these selected portions of the Specification. Citation to selected portions of the Specification is by way of example, and not limitation.

Claim 1 as amended recites, *inter alia*, "producing, *by a computing device*." Claim 67 similarly recites, *inter alia*, "determining, *by a computing device*." Support for these amendments is found, *inter alia*, in the as-filed Specification at p. 1, ll. 17-18 and p. 7, line 21 – p. 8, line 2.

Applicants further seek to amend claim 1 to recite, *inter alia*, "determining an amount to charge a merchant." Claims 64 and 67 are sought to be similarly amended. Support for this amendment is found at, *inter alia*, Specification, p. 12, ll. 24-26 (describing logging a "GET request in the transaction database 56 by recording the URL, the client IP address, and the current time") and p. 14, line 24 – p. 15, line 6 (describing using the logged information "to charge for advertising based on the number of link traversals from an advertising page to a product page or based on the count of purchases resulting from a path including the advertisement").

Accordingly, Applicants respectfully request entry of the foregoing amendments.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1, 13, 14, 17-22, 35-39, 64, and 67-80 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner argues that the Specification "does not provide details as to how one of ordinary skill would implement the computer-implemented aspects of Applicant's invention (i.e. no computer code or programming comments are provided) to 'determine the number of hits, hyperlinks, sales' and 'charge for advertising' based on the number of hits, hyperlinks and sales."

Applicants respectfully traverse the rejection. However, for expediency and to advance prosecution of the present application, Applicants have adopted the Examiner's suggestion provided in the Interview and hereby seek to amend claims 1, 64, and 67 to replace the term "charging" with "determining an amount to charge." Applicants reserve the right to pursue the original claim language in this or in a continuing patent application and to show that present Specification provides adequate support for same.

As amended, claims 1, 64, and 67 recite, *inter alia*, "determining an amount to charge a merchant." One of ordinary skill in the art would have the ability to convert the level of disclosure provided in the Specification (see, e.g., supporting portions at *supra*) into software code (or hardware, firmware, etc.) providing the claimed functionality. In particular, the Specification provides a sufficient description of the logging mechanism (see, e.g., Specification, p. 12, ll. 24-26) and determining a charge based on information from the logs (see, e.g., Specification, p. 14, line 24 – p. 15, line 6).

Based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 13, 14, 17-22, 35-39, 64, and 67-80 under 35 U.S.C. § 112, first paragraph.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1, 13, 14, 17-22, 35-39, 64, and 67-80 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,819,092 to Ferguson et al. ("Ferguson"). Applicants respectfully traverse.

Claims 1 and 64 recite, *inter alia*, "filtering one or more transaction logs from one or more servers to identify *transactions associated with a session identifier*." Claim 67 similarly recites, *inter alia*, "evaluating one or more *transaction logs including session identifier information* exchanged between a client and one or more servers." Ferguson does not teach or suggest at least this feature of claims 1, 64, and 67. The rejection is discussed in the context of claim 1, as the Examiner's basis for rejection of claims 64 and 67 with regard to this feature is the same as for claim 1.

In arguing the rejection of claim 1, the Examiner states that "Ferguson taught a user identifier associated with transactions." (Office Action, p. 4 (citing Ferguson, 35:46-55)). The Examiner argues that while "Ferguson does not specifically teach the user identifier is a session identifier, the user identifier *is functionally equivalent to* a session identifier." (Office Action, p. 4). The Examiner concludes that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made that renaming the user identifier to a session identifier would have been an equivalent substitution." (Office Action, p. 4).

During the personal interview held on March 17, 2011, the Inventor noted fundamental differences between the user identifier ("UID") in Ferguson and the session identifier ("SID") of claim 1. The Examiner notes in the Interview Summary mailed on March 28, 2011, that one difference is that "the 'session' is being tracking [sic] rather than the user's identity." (Interview Summary, cont. sheet). More precisely, the SID identifies a session, while the UID of Ferguson does not. One advantage of the SID over Ferguson's UID is that the SID provides the ability to identify a session even if the session is with an anonymous user. In contrast, an explicitly UID-based mechanism (such as Ferguson) requires that users identify themselves. In addition, using SID's the same user can be associated with multiple sessions (each having a separate SID), and these sessions can be identified independently. A UID-based mechanism (such as in Ferguson) would not allow for identifying multiple sessions from a same user separately.

As a result, these fundamental differences between a UID (Ferguson) and an SID (claims 1, 64, and 67) are sufficiently significant that a person of ordinary skill in the art would not view them as being equivalent. In particular, an SID-based mechanism, as described in the Specification and in claims 1, 64, and 67, improves the accuracy of, e.g., link traversal determinations, such as when a same user is running multiple web browsing sessions. For at least this reason, it would not have been obvious to a person of ordinary skill in the art at the time of the invention to replace the UID of Ferguson with an SID.

For at least the aforementioned reasons, claims 1, 64, and 67 are not rendered obvious by Ferguson, nor are the dependent claims rendered obvious for at least the same reasons as claims 1, 64, and 67, from which they depend, and further in view of their

own respective features. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1, 13, 14, 17-22, 35-39, 64, and 67-80 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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